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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,905	02/04/2004	Thomas Sutton	FLEX-00201	5229
28960	7590	08/11/2006	EXAMINER	
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			STEIN, JULIE E	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/772,905	SUTTON ET AL.	
	Examiner	Art Unit	
	Julie E. Stein, Esq.	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5-22-06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) 20-59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on February 4-2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent Application No. 2004/0203517.

Park discloses all the elements of independent claim 1, including an electronic device (100) comprising:

- a. a first substantially planar panel (Figures 1 and 2, element 160) including a first interface (Figure 1 element 165); and
- b. a second substantially planar panel (Figures 1 and 2, element 110) including a second interface (Figure 2, elements 113a and b), coupled to the first substantially planar panel such that the first substantially planar panel rotates relative to the second substantially planar panel (Figure 2 and the abstract),
wherein in a first position the second interface is obscured by the first panel (Figure 1) and in a second position the first panel partitions the second interface into a plurality of exposed sections (Figure 2 and element 113a and b).

Park discloses all the elements of dependent claim 2, including wherein the first panel (160) includes a display (element 163), such that when the device (100) is configured in the first position (Figure 1), the first interface (element 165) controls the display (inherent in view of paragraph 28, which describes that the first interface

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controls, 165, are function keys) and when the device is configured in the second position (Figure 2), the second interface (elements 113a and b) controls the display (inherent in view of paragraph 30, which describes the use of the second keypad).

Park discloses all the elements of dependent claim 3, including wherein the first panel (160) includes a display (element 163), such that when the device (100) is configured in the first position (Figure 1), the first interface (element 165) controls the display (inherent in view of paragraph 28, which describes the that first interface controls, 165, are function keys) and when the device is configured in the second position (Figure 2), both the first interface (element 165) and the second interface (elements 13a and b) control the display (inherent in view of paragraph 30, which describes the use of the second keypad, and the function keys are still visible and usable).

Park discloses all the elements of dependent claim 4, including wherein the first panel (160) includes a display (element 163), such that when the device is configured in the first position (Figure 1b), an entry made on the first interface (element 165) is displayed on the display (inherent in view of paragraph 28, which describes that the first interface controls, 165, are function keys), and when the device is configured in the second position (Figure 2), an entry made on the second interface (elements 113a and b) is displayed on the display (inherent in view of paragraph 30, which describes the use of the second keypad).

Park discloses all the elements of dependent claim 5, including wherein the first panel (160) includes a display (element 163), such that when the device is configured in

the first position (Figure 1), an entry made on the first interface (element 165) is displayed on the display ((inherent in view of paragraph 28, which describes that the first interface controls, 165, are function keys), and when the device is configured in the second position (Figure 2), entries made on the first interface (element 165) and the second interface (elements 113a and b) are displayed on the display (inherent in view of paragraph 30, which describes the use of the second keypad, and the function keys are still visible and usable).

Park discloses all the elements of dependent claim 6, including wherein the device (100) operates in a first mode when configured in the first position (this is inherent as the device must function in a mode when closed, e.g. phone, see paragraphs 28 to 31) and operates in a second mode when configured in the second position (this is also inherent as the phone must function in a mode when open, see paragraphs 28 to 31).

Park discloses all the elements of dependent claim 7, including wherein the device (100) senses when the device is configured in one of the first position and the second position. This is inherent based on the phone being either closed or open, see above.

Park discloses all the elements of dependent claim 8, including wherein the first panel (160) is operatively coupled to the second panel (110) to allow an exchange of electronic data. This is inherent based on the use of the function keys between the two parts (113a and b) of the second panel.

Park discloses all the elements of dependent claim 9, including wherein the device is a portable handheld device. See Figures 1-2 and the abstract.

Park discloses all the elements of dependent claim 10, including wherein the device is a telephone. Id.

Park discloses all the elements of dependent claim 11, including wherein the first panel further comprises a front side and a back side (Figures 1 and 8), wherein the front side of the first panel includes a display and the first interface (Figure 1), and the back side of the first panel includes an engaging end (Figure 8 and element 173).

Park discloses all the elements of dependent claim 12, including wherein the second panel further comprises a receiving end (Figure 7, element 123)

Park discloses all the elements of dependent claim 13, including wherein in one of the first position and in the second position, the receiving end receives the engaging end (paragraphs 42 to 43).

Park discloses all the elements of dependent claim 14, including wherein the first panel further comprises a front side and a back side (Figures 1 and 8), wherein the front side of the first panel includes a display and the first interface (Figure 1), and the back side of the first panel includes a receiving end (Figure 8 and element 161).

Park discloses all the elements of dependent claim 15, including wherein the second panel further comprises an engaging end (Figure 7, the circle outside of 123).

Park disclose all the elements of dependent claim 16, including wherein one of the first position and in the second position, the receiving end receives the engaging end (paragraphs 42 to 43 and Figure 2).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 17 to 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of U.S. Patent Application Publication No. 2005/0032557 to Brunstrom et al.

Park teaches all the elements of dependent claim 17 except wherein the device further comprises a digital camera. But, Brunstrom teaches a mobile phone, which can be moved into three positions, a closed position (a phone mode), a camera mode, and a personal organizer mode in which the camera may also be used. See the abstract and paragraphs 14 to 22. This three-way functionality is achieved by sliding two substantially planar panels that comprise the phone to three different positions. *Id.* Also, the camera is located on the back panel of a first substantially planar panel and may have a protective lens cover. See, paragraph 16 and Figure 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a digital camera in the device (phone) of Park because it would have added functionality to the phone by allowing the user to take pictures.

Park teaches all the elements of dependent claim 18, except wherein the device operates in a first mode when configured in the first position with the digital camera lens

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obscured, operates in the second mode when configured in the second position with the digital camera lens obscured, and operates in a third mode when configured in one of the first position and second position with the digital camera lens exposed. However, in view of the teachings of Brunstrom illustrated above, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the device of Park including a digital camera (claim 17 above) would operate in a first mode when in the first position because the camera lens would be obscured (consider Figure 1 of Parks and the location of the camera—it would be in the back) and it would operate in a second mode when configured in the second position (Park, Figure 2) also with the camera lens obscured because a user using this mode would be communicating via a keyboard, e.g. SMS and the like, and would use a protective cover over the camera lens, see Brunstrom, paragraph 16. Finally, the device in Park would operate in a third mode (e.g. the second position but with the camera lens exposed)—because this would allow the user to decide when to utilize the camera, see Brunstrom paragraph 21.

Park in view of Brunstrom teaches all the elements of dependent claim 19, including wherein the first mode is a telephone mode (Park, Figure 1 and Brunstrom, paragraph 15), the second mode is a keyboard mode (Park, paragraph 30 and Brunstrom, paragraph 19), and the third mode is a camera mode (Brunstrom, paragraph 19 and 21).

Response to Arguments

4. Applicant's arguments filed May 22, 2006 have been fully considered but they are not persuasive.

5. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the second interface is never obscured by the first panel—i.e. the second interface is entirely obscured by the first panel) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

6. Applicants' claims simply recite that in a first position the second interface is obscured by the first panel, *not* that the second interface is “entirely” or “completely” obscured by the interface. In fact, Applicant admits that “at least a portion of the second interface remains exposed,” i.e. a portion of the second interface is obscured by the first panel. See page 2 of Applicants' response. Therefore, Park anticipates Applicants' claims.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie E. Stein, Esq. whose telephone number is (571) 272-7897. The examiner can normally be reached on M-F (8:30 am-5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JES



GEORGE ENG
SUPERVISORY PATENT EXAMINER